



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2003-24

August 27, 2003

Paul and Sue Lenkarski
45 Sterling Street
West Boylston, MA 01583

RE: Wetlands Bureau File # 1999-02213, 16 Steamboat Landing, Moultonborough

Dear Mr. and Ms. Lenkarski

On July 21, 2003, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Moultonborough Tax Map 1, as Lot 62 (the "Property"). The purpose of the inspection was to determine if the breakwater and cantilevered pier approved by the Department under Wetlands and Non-Site Specific Permit no. 1999-2213, was constructed in accordance with the approved plans by Diversified Marine Construction Corp., as received by DES on April 12, 2000.

Prior to the inspection, DES personnel met with you to discuss your concerns with the project and to review the approved plans and a mylar overlay as-built plan of the breakwater. Review of the approved and as-built plan sets indicated that the angle of the breakwater and gap at the shoreline were not constructed in accordance with the approved plans.

During the inspection, DES personnel observed and measured the following deficiencies:

- The portion of the breakwater above normal full lake extended 58 feet perpendicular from the normal full lake shoreline. Condition 6 of wetlands permit 1999-2213 specifies that "no portion of the breakwater above normal full lake shall extend more than 50 feet from normal full lake shoreline."
2. The angle of the breakwater does not match the angle shown on the approved plans. The breakwater does bend to the south, but it is less sharply angled than the permitted breakwater.
 3. The gap between the breakwater and shoreline measured 4 feet 5 inches. The approved plan specifies a 6 foot gap between the breakwater and the shoreline. This narrow gap has constricted the flow between the breakwater and the shoreline

and caused leaf litter and sand accumulation within the boatslip adjacent to the cantilevered pier.

In response, please take the following actions

Within 20 days, please submit a plan for restoration of the breakwater to the approved location and dimensions to DES for review and approval. This plan should be prepared by a qualified professional and should include:

- a. clearly labeled dimensions or appropriate scale;
 - b. existing conditions;
 - c. proposed conditions after restoration of the breakwater;
 - d. proposed means of siltation, erosion and turbidity control;
 - e. any proposed temporary impacts; and,
 - f. a construction sequence including equipment and methods for completion of the restoration and how the site will be accessed for construction. The construction sequence should specify a target date for completion of no later than November 1, 2003;
2. Within 7 days of completion of the restoration, please submit a stamped, surveyed as-built plan of the restored breakwater and photographs documenting compliance.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is not done in accordance with the permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Mary Ann Tilton, Compliance Supervisor
DES Wetlands Bureau
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,



D. Forst
Shoreland Section Supervisor
DES Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 1082

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit ✓
Moultonborough Conservation Commission
Moultonborough Board of Selectmen
Diversified Marine Construction Corp.